

## **REMARKS**

Claims 1 – 13, 15 – 19, 23, 33 – 34, and 45 are in the application. Claim 1 is currently amended; claims 5, 13, 23, 34, and 45 were previously presented; claims 14, 20 – 22, 24 – 33, and 35 – 44 are canceled; and claims 2 – 4, 6 – 12, and 15 – 19 remain unchanged from the original versions thereof. Claim 1 is the independent claim herein.

No new matter has been added to the application as a result of the amendments submitted herewith. Claim 1 is presented in an amended form to clarify the basis for the claimed “constructing a financial product”. Applicant notes that support for the amendment of claim 1 may be found in the Specification as originally filed with the Office, including the Abstract and paragraphs [0076] – [0077].

Reconsideration and further examination are respectfully requested.

### **Claim Objections**

Claim 33 was objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim.

Applicant notes that claim 33 is canceled by the claim amendments submitted herewith. Accordingly, Applicant respectfully requests entry of the current claim amendments and the reconsideration and withdrawal of the claim objection.

### **Claim Rejections – 35 USC § 112**

Claims 1 – 13, 15 – 19, 23, 33 – 34, and 45 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. This rejection is traversed.

Applicant respectfully submits that the claimed aspect of “constructing a financial product based on said selected and displayed information types, and said displayed relationship between said first and second corporate entity information types and the strength of the relationship” sufficiently points out and distinctly claims the subject matter which Applicant regards as the invention. Applicant disagrees with the Office Action’s statement that this claimed aspect renders the claims indefinite under 35 USC 112, second paragraph.

Applicant submits that while it is true claim 1 relates to “selecting a first and second information type”, “displaying the information types”, and “providing an alteration mechanism”, the further claimed aspect of “constructing a financial product based on said selected and displayed information types, and said displayed relationship between said first and second corporate entity information types and the strength of the relationship” is consistent with the foregoing claimed aspects since the construction of the financial product is based on the selected information types and the relationships therebetween, as displayed in a graphical user interface. As made clear by the specification, including the Abstract and paragraphs [0076] – [0077], financial products (and financial instruments) may be constructed based on the selected information types and relationships between the information types. For example, groups of stocks (based on their relationship in a particular sector) may be constructed, a financial index (based on weighted revenue exposure between related stocks of company A and company B) may be constructed, as well as mutual funds including related securities may also be constructed.

Therefore, Applicant respectfully submits that claim 1 and the other pending claims depending therefrom are not indefinite under 35 USC 112, second paragraph since claim 1 clearly recites constructing a financial product and the legitimate and valid basis on which the financial product is to be constructed. Additionally, the definiteness of the claims is commensurate with and supported by the Specification.

Accordingly, Applicant respectfully requests the reconsideration and withdrawal of the rejection of the claims under 35 USC 112, second paragraph.

**Claim Rejections – 35 USC § 103**

Claims 1 – 13, 15 – 19, 23, 33 – 34, and 45 were rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,721,713 B1 to Guheen et al. (hereinafter, Guheen), in view of U.S. Publication No. 2002/0158918 A1 to Feibush et al. (hereinafter, Feibush), and further in view of U.S. Patent No. 6,317,726 B1 to O'Shaughnessy (hereinafter, O'Shaughnessy). This rejection is respectfully traversed.

Applicant's arguments of record regarding Guheen and Feibush are incorporated herein. Regarding the cited and relied upon O'Shaughnessy, Applicant respectfully submits that the cited and relied upon O'Shaughnessy does not disclose, either in combination or alone, the claimed aspects for which it is cited and relied upon for disclosing.

Applicant notes that O'Shaughnessy does not disclose the alleged "creating a financial product based on the relationship between displayed information types" as disclosed at FIG. 17 and col. 18, lines 12 – 67. As a first matter, the "schematic flow chart depicting the selection of stocks for a strategy" of O'Shaughnessy is not a display or other presentation provided by a display device. Instead, FIG. 17 is a flow chart illustratively depicting a logical flow of an operation disclosed by O'Shaughnessy. Again, FIG. 17 is not the same as or suggestive of a "display" used in a construction of financial products as claimed by Applicant but is instead merely a flow diagram created for the explanation of the O'Shaughnessy disclosure.

Moreover, the O'Shaughnessy disclosed investment management and strategies are based on selecting stocks meeting predefined criteria such as, for example, market capitalization, P/E ratios, and other historical data for each of the selected stocks. Also, O'Shaughnessy selects the stocks based on whether the stocks in a database meet specific strategy criteria, not whether the stocks in the database are related to each other and/or the strength of the relationship between the stocks. Again, the

O'Shaughnessy stocks are selected based on the stock's individual performance as measured against certain historical data.

Therefore, Applicant submits that O'Shaughnessy fails to disclose that for which it is cited and relied upon for disclosing. Accordingly, the combination of Guheen, Feibush, and O'Shaughnessy fails to disclose or suggest that which is claimed by Applicant under 35 USC 103(a).

Accordingly, Applicant requests the reconsideration and withdrawal of the rejection of claims 1 – 13, 15 – 19, 23, 33 – 34, and 45 under 35 USC 103(a).

## **C O N C L U S I O N**

Accordingly, Applicants respectfully request allowance of the pending claims. If any issues remain, or if the Examiner has any further suggestions for expediting allowance of the present application, the Examiner is kindly invited to contact the undersigned via telephone at (203) 972-5985.

Respectfully submitted,

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